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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

KATHLEEN DENNEY a.k.a.
KATHLEEN M. ROOP

Case No.

Plaintiff,

v.

GREENTREE ACQUISITIONS, LLC

COMPLAINT FOR VIOLATIONS OF
FAIR DEBT COLLECTION
PRACTICES ACT, THE UNLAWFUL
DEBT COLLECTION PRACTICES
ACT, AND THE CONSUMER
PROTECTION ACT

Defendant.

JURY REQUESTED

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. §1692k(d).
2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").
3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

PARTIES

4. Plaintiff Kathleen Denney (hereinafter “Plaintiff”) is a natural person who resides in the City of Kennewick, WA and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant Green Tree Acquisitions, LLC. (hereinafter “Defendant”) operating from an address of 9806 64th Drive NE Marysville, Washington 9827 is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. Plaintiff’s ex-husband incurred a Searfirst aka Bank of America credit card. Plaintiff did not agree to repay the balance on the credit card.

7. In 1999 Plaintiff and her ex-husband signed a Decree of Dissolution. Within the Decree Plaintiff’s ex-husband was held accountable for the Seafirst/Bank of America VISA credit card. Plaintiff was not liable for this account at any time.

8. In January of 2009 Plaintiff received a phone call from Defendant claiming that she was now responsible for a \$17,000.00 Bank of America credit card debt her ex-husband incurred. Defendant claimed that Plaintiff was responsible for the debt as she was married to her husband during the time the debt was accumulated.

9. Defendant further told Plaintiff that a settlement could be arranged if she acted now as the statute of limitations was soon to end and Defendant could begin garnishing plaintiff’s bank account if no payment was made.

10. Defendant upset Plaintiff, and in an attempt to mitigate any damage to her credit or reputation, Plaintiff paid Defendant in the amount of \$2,500.00 to settle the account.

11. Plaintiff subsequently contacted Bank of America to verify any liability she had for the debt. Plaintiff was told by Bank of America that her ex-husband was the only borrower on the account.

12. Plaintiff also obtained a letter from Bank of America confirming that she was not a co-borrower nor ever had been a co-borrow on the account. Exhibit A

13. Plaintiff further contacted Defendant requesting it refund the \$2,500.00 payment as she was not responsible for the debt. Defendant refused to refund Plaintiff.

14. Despite Plaintiff's effort Defendant has not credited the payment to Plaintiff.

TRIAL BY JURY

15. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

16. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

17. The foregoing acts and omissions of defendant constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692d, 1692e, 1692e(2)(A), 1692e(4), 1692e(5), 1692e(10), and 1692f.

18. As a result of defendant's violations of the FDCPA, plaintiff is entitled to actual

damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

COUNT II.

CONSUMER PROTECTION ACT

RCW 19.86 *et seq.*

19. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

20. Defendant Green Tree Acquisitions, LLC engaged in unfair and deceptive businesses, which constitutes a violation of RCW 19.86.020.

21. As a result of Green Tree Acquisitions, LLC unfair and deceptive business practices, plaintiff is entitled to the reasonable attorney's fees and treble damages not to exceed \$10,000, pursuant to RCW 19.86.090.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against defendant for:

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against each and every defendant;

for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A)

against each and every defendant;

for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against each and every defendant;

COUNT II.

CONSUMER PROTECTION ACT

RCW 19.86 *et seq.*

for an order enjoining defendant from further violations of the Consumer Protection Act;

for an award of actual damages, pursuant to RCW 19.86.090, against defendant;

for an award of the costs of the suit including a reasonable attorney's fee, pursuant to RCW 19.86.090, against defendant;

for an award of treble damages not to exceed \$10,000, pursuant to RCW 19.86.090, against defendant to be determined by the Court.

DATED: April 21, 2009

/s/ Keith D. Karnes

Keith D. Karnes

WSB # 35000

503-362-9393

Attorney for Plaintiff Kathleen Denney

Bank of America



Bank of America
Kennewick Banking Center
WA2-117-01-01
3420 W. Kennewick Avenue
Kennewick, WA 99336

Tel 509.736.1776
Fax 509.736.1800

01/28/2009

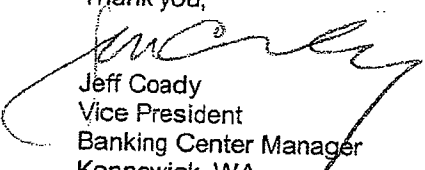
Green Tree Acquisitions
PO Box 1005
Everett, WA 98206
877-303-2507
425-303-2500

RE: Kathleen Denney [REDACTED] 9112

To Whom It May Concern:

Kathleen Denney has no legal or credit responsibility to this account. Kathleen is not a co-borrower nor ever has been. Please contact the rightful owner for collection.

Thank you,


Jeff Coady
Vice President
Banking Center Manager
Kennewick, WA
509-737-6244

Bank of America



Jeff B Coady
Vice President
Banking Center Manager
Kennewick Banking Center

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Bank of America, WA2-117-01-01
3420 W Kennewick Ave, Kennewick, WA 99336



EXHIBIT A

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